

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

ANDREW DOUGLAS MICKLER

Debtor.

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Case No. 03-34626
Chapter 7

MOTION FOR APPROVAL OF AND AUTHORIZATION TO PAY FINDER'S FEE

NOW COMES A. Burton Shuford, Trustee, by and through undersigned counsel and respectfully shows unto the Court the following:

1. The Debtor filed a petition for relief under Chapter 7 of the United States Bankruptcy Code on December 15, 2003, and A. Burton Shuford was appointed Chapter 7 Trustee.
2. The Trustee's Final Report and Account was filed on June 6, 2005 and the subsequent Amended Trustee's Final Report and Account was filed on June 8, 2005 [Docket #42].
3. An Order approving the Final Report and Awarding Compensation to Professional(s) was entered on January 25, 2006 [Docket #51].
4. A Final Decree Closing Case was entered on July 5, 2006 [Docket #59].
5. After the closing of Debtor's case, the Trustee became aware of assets of the Bankruptcy Estate that were not administered. Specifically, the Trustee learned that a parcel of Real Property disclosed on Debtor's petition, but surrendered by the Debtor, was foreclosed upon during the pendency of this case which foreclosure resulted in a surplus of funds of approximately \$28,630.14 (the "Surplus Funds") which proceeds were being held by the Clerk of Superior Court of Cabarrus County.
6. The Surplus Funds were discovered by Shawn Buige of The Results Team (the "Results Team"). The Results Team contacted the Trustee and informed the Trustee of the existence of the Surplus Funds. The Results Team agreed to disclose the information concerning the Surplus Funds in consideration of the Trustee's agreement to reopen this case and to file a motion seeking approval of a finder's fee of twenty-five percent (25%) of the Surplus Funds (approximately \$7,157.54 (the "Finder's Fee").
7. On August 15, 2012, the Trustee filed his Amended Motion to Reopen Bankruptcy Case [Docket #63], which motion was granted on August 15, 2012 [Docket #64].
8. Pursuant to this Motion, the Trustee seeks approval of and authorization to pay the 25% Finder's Fee to the Results Team from the Surplus Funds.

9. The Trustee believes that the Finder's Fee is reasonable under the circumstances given the fact that without the effort undertaken by the Results Team the Surplus Funds would never have come into the estate.

WHEREFORE, the Trustee prays that the Court enter an order approving the Finder's Fees and authorizing the Trustee to pay said Finder's Fee from the Surplus Funds.

This the 15th day of March, 2013.

/s/ A. Burton Shuford
A. Burton Shuford, NCBN 10035
The Bain Group, PLLC
8320 University Executive Park Drive, Suite 110
Charlotte, NC 28262
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Attorney for the Trustee

UNITED STATES BANKRUPTCY COURT
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IN RE:)
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ANDREW DOUGLAS MICKLER) Case No. 03-34626
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NOTICE OF MOTION FOR APPROVAL OF AND AUTHORIZATION TO PAY FINDER'S FEE

A. BURTON SHUFORD, Chapter 7 Trustee in Bankruptcy, through his attorney, has filed papers with the Court as described above. A copy of the Motion is included with this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested in the Motion, or if you want the Court to consider your views on the Motion, then on or before 15 days from the date of this notice you or your attorney must file with the Court a written response to the Motion requesting that the Court hold a hearing and explaining your position. Your response must comply with local Bankruptcy Rule 9013-1 and filed at: Clerk, United States Bankruptcy Court

401 W. Trade Street
Charlotte, NC 28202

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above. You must also mail a copy to:

A. Burton Shuford, Esq.
8320 University Executive Park Dr. Suite 110
Charlotte, NC 28262

No hearing will be held on this Motion unless a response is timely filed and served, in which case, the Court will conduct a hearing on April 11, 2013, 9:30 a.m., at the United States Bankruptcy Court, 401 West Trade Street, Charlotte, North Carolina. No further notice of this hearing will be given. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting the requested relief.

This the 15th day of March, 2013.

/s/ A. Burton Shuford

A. Burton Shuford, NCSB No. 10035
Attorneys for the Plaintiff
The Bain Group, PLLC
8320 University Executive Park Drive, Ste. 110
Charlotte, NC 28262
Telephone: 980-321-7000

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the MOTION FOR APPROVAL OF AND AUTHORIZATION TO PAY FINDER'S FEE by either Electronic Case Filing as indicted below or by depositing copies of same in the exclusive care and custody of the United States Postal Service, with proper postage thereto affixed to the parties listed herein below and on attached Exhibit A:

Linda W. Simpson
Bankruptcy Administrator

Via Electronic Case Filing

Richard L. Robertson
2730 East W.T. Harris Blvd.
Suite 101
Charlotte, NC 28213

Via Electronic Case Filing and US Mail

Andrew Douglas Mickler
7885 37th Street
Vero Beach, FL 32960

This the 15th day of March, 2013.

/s/ A Burton Shuford
A. Burton Shuford, NCBN 10035
The Bain Group, PLLC
8320 University Executive Park Drive, Suite 110
Charlotte, NC 28262
Direct Dial: (980) 321-7000
bshuford@thebaingroup.net
Attorney for the Trustee